

# **SB0324 Firearm Safety Act of 2024\_MLC\_FAV.pdf**

Uploaded by: Cecilia Plante

Position: FAV



## **TESTIMONY FOR SB0324 Firearm Safety Act of 2024**

**Bill Sponsors:** Senator McCray

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Aileen Alex, co-chair

**Position:** **FAVORABLE**

I am submitting this testimony in favor of SB0324 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

The Firearm Safety Act of 2024 requires a person who holds a handgun permit and accidentally discharges a firearm to register within 90 days for a firearms safety training course. The course must be completed within 6 months of the incident.

Gun safety training can help reduce the risk of accidental discharges and unauthorized access. This is especially important in homes with children. Even if you don't own a gun, knowing gun safety rules and proper handling can lower the risk of causing an accident.

The Maryland Legislative Coalition supports this bill and recommends a **FAVORABLE** report in committee.

**sb324, handgun permit; training, JPR- 2-2-2024.pdf**

Uploaded by: Lee Hudson

Position: FAV



**Delaware-Maryland Synod**  
**Evangelical Lutheran Church in America**  
God's work. Our hands.

Testimony prepared for the  
**Judicial Proceedings Committee**  
on  
**Senate Bill 324**  
February 2, 2024  
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for the opportunity to testify in support of public safety. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America, a faith community with three judicatories across our State.

Our community has stated support for adequate weapons regulation as an essential for public security and safety. Typically, regulation policy for weapons is well below the necessary according to the standard advocated by our community. We have supported many pieces of Maryland legislation to properly register, secure and control weapons.

**Senate Bill 324** seeks a regulation by scrutiny of owners' use of handguns. Public accidental discharge of a handgun falls well outside typical rationalizations for carrying weapons in the community; justifications that lean on a right to personal safety and defense. This bill would require an incident of accidental handgun discharge in public to prompt registration for firearms safety course within ninety days, to be completed within six months. Failure to complete a course would result in revocation of a permit.

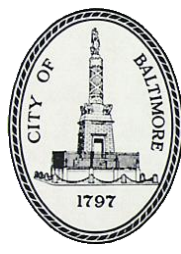
**Senate Bill 324** would be appropriate and legal regulation because competent, responsible handling of weapons is a minimum requirement for keeping the public safe. We implore a favorable report.

Lee Hudson

**SB0324-JPR-FAV.pdf**

Uploaded by: Nina Themelis

Position: FAV



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

SB0324

February 2, 2024

**TO:** Members of the Senate Judicial Proceedings Committee

**FROM:** Nina Themelis, Director of Mayor's Office of Government Relations

**RE:** Senate Bill 324 – Handgun Permits – Accidental Discharge & Training Requirements

**POSITION: SUPPORT**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 324.

This bill requires a handgun permit holder, if there is an “accidental discharge” by the person, to register for a certified firearms safety training course within 90 days of the incident and to successfully complete the course within six months after the incident. The Secretary of State Police (1) must revoke the handgun permit of a person who fails to satisfy those requirements, with specified written notice, and (2) may reinstate the permit if the person satisfies the training course requirements. The bill requires (1) each law enforcement agency to report information relating to accidental discharges to the Maryland State Police Gun Center and (2) the Gun Center to report all accidental discharges to the Department of State Police's (DSP) Licensing Division.

The unintentional discharge of a weapon can lead to fatal injuries. The National Safety Council has reported that approximately 1% of all gun deaths are preventable unintentional discharges. According to the U.S. Centers for Disease Control and Prevention, approximately 45,000 people die from firearms injuries every year. That means more than one person dies from an unintentional firearm discharge every day.

Firearm safety is paramount to preventing these deaths. The certified firearms training course specified in the legislation includes detailed classroom instruction and an orientation component that demonstrates the person's safe operation and handling of a firearm.

For the above reasons, the BCA respectfully requests a **favorable** report on SB 324.

# **Senator McCray FAV**

Uploaded by: Senator McCray

Position: FAV

CORY V. MCCRAY  
Legislative District 45  
Baltimore City

DEPUTY MAJORITY WHIP

Budget and Taxation Committee

*Subcommittees*

Chair, Health and Human Services

Vice Chair, Capital Budget

Executive Nominations Committee

Legislative Policy Committee

Joint Committee on Gaming Oversight



James Senate Office Building  
11 Bladen Street, Room 221  
Annapolis, Maryland 21401  
410-841-3165 · 301-858-3165  
800-492-7122 Ext. 3165  
Cory.McCray@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

## Vote Yes to SB 324

**Title:** Handgun Permits – Accidental Discharge and Training Requirements  
Judicial Proceedings Committee  
Hearing: February 02, 2024

Dear Chair, Vice Chair, and Members of the Committee,

I am writing to request your favorable vote on **Senate Bill 324**. This will be a vital piece of legislation that mandates handgun permit holders to undergo firearms safety training following accidental discharges. Failure to complete the training results in permit revocation, and allows for potential reinstatement upon meeting requirements. Law enforcement agencies must report relevant data to the Maryland State Police Gun Center, enhancing tracking and vetting procedures for handgun permits.

The purpose of **SB324** is to establish a procedure for individuals with handgun permits to have to repeat firearms safety training if they have any accidental discharges. The intention is to improve the handling of firearms among permit holders, by addressing potential gaps in their training that may cause accidental discharges. By creating a post-accident training procedure, the bill seeks to minimize the likelihood of future accidents among those with handgun permits.

**Significance and Impact:** The significance of **SB324** is that it establishes consequences such as permit revocation, and required training courses for failure to properly use a firearm. This will improve the safety of the citizens of Maryland by prioritizing the education of Maryland firearm permit holders. The bill does not aim to revoke permits without the possibility of the permit holder being reinstated. Reinstatement can be granted upon meeting specified criteria.

This bill prioritizes the protection of the citizens of Maryland. It places great importance on ensuring our communities are safe, which is why I urge a favorable report for **Senate Bill 324**.



Respectfully,

A handwritten signature in blue ink, appearing to read "Cory V. McCray". The signature is fluid and cursive, with a large initial "C" and a distinct "y" at the end.

Cory V. McCray  
45<sup>th</sup> District

# **SB 324 Accidental Discharge.pdf**

Uploaded by: Cathy Wright

Position: UNF



**SB 324**  
**Handgun Permits – Accidental Discharge & Training Requirements**

***UNFAVORABLE***

The Maryland State Rifle & Pistol Association (MSRPA) opposes SB 324. This bill would require a person who holds a handgun permit and accidentally discharges a firearm to self-report and register within 90 days for a “certain” firearms safety training course, completed within six months of the incident, or their permit would be revoked.

The MSRPA is the official National Rifle Association state organization for Maryland. The MSRPA’s mission is to defend your rights in Maryland, support training in firearm safety and shooting skills through its affiliated clubs, and sponsor and sanction local competition throughout the state.

Injury and death from accidental discharges are tragic. Some accidents probably happen to decent gun owners who make a mistake. The MSRPA is dedicated to promoting marksmanship and safe firearm handling through affiliated clubs, statewide programs, and the NRA Education and Training Division programs, and supports the state’s efforts to that end.

Other accidental discharges occur when criminals are committing crimes. These individuals will surely not self-report accidents. This bill will not prevent violent crime.

The bill is unconstitutional, as the 5<sup>th</sup> Amendment protects against self-incrimination.

The MSRPA respectfully requests an UNFAVORABLE report on SB 324.

Cathy S. Wright  
MSRPA VP, Legislative Affairs  
[cwright@msrpa.org](mailto:cwright@msrpa.org)  
<http://www.msrpa.org>

**SB0324.pdf**

Uploaded by: Galen Muhammad

Position: UNF

## **SB0324**

While an accidental discharge is a result of carelessness and/or overconfidence, mandating training that a person already knows is a harassment. It's equivalent to mandating walking training to a jaywalker. One of the basic principles in firearms safety is to keep one's fingers off the trigger until one has their target in sight and is about to fire their gun. This bill is directed to those who have the Concealed Carry license but makes no mention of those who have their HQL and has an accidental discharge at the range or at home. Of course, this bill feels like another money grab as I'm sure that the person who is required to attend this mandatory course would not be attending a free course just to reiterate the firearms principle I have stated above.

I ask that this bill receive an unfavorable review.

# **SB0324\_Testimony\_2A\_Maryland.pdf**

Uploaded by: John Josselyn

Position: UNF



**Senate Bill 324**

**Handgun Permits - Accidental Discharge and Training Requirements - Maryland  
State Police Gun Center (Firearm Safety Act of 2024)**

**UNFAVORABLE**

Senate Bill 324 seeks to impose mandatory training requirements the event a person experiences an accidental discharge of a firearm which results in property damage, injury, or death. It further requires law enforcement agencies to report various information on accidental discharges to the Maryland State Police Gun Center.

The rationale for this Bill is unclear and it amounts to discrimination by legislation:

- If the person who experiences an accidental discharge which results in property damage, injury or death does not have a carry permit, this bill does not apply.
- If a law enforcement officer who does not have a carry permit experiences an accidental discharge which results in property damage, injury or death, this bill does not apply.
- If a law enforcement officer who has a LEOSA carry permit experiences an accidental discharge which results in property damage, injury or death, this bill does not apply.
- However, this bill does apply if the person who experiences an accidental discharge which results in property damage, injury or death does have a carry permit issued by the Secretary.

In the event of an accidental discharge resulting in property damage, injury or death, the permit holder must:

- Register for a certified safety training course within 90 days of the incident.
- Successfully complete the safety training course within 6 months of the incident.

**Senate Bill 324**  
**Unfavorable**

If the person fails to complete the required training, the Secretary shall revoke the person's permit. For the Secretary to take any action, the Secretary must first know the accidental discharge occurred and when it occurred.

Unless there is an injury or death, it is highly unlikely that the person will do anything. Nor can a person be compelled to do so as the action will compromise the person's rights under the 5<sup>th</sup> Amendment.

There is no requirement that instructors report the training to the Maryland State Police, or any local law enforcement agency. Nor is there any mechanism whereby the instructor can make such a report.

The requirement that law enforcement agencies report accidental discharges to the Maryland State Police Gun Center is problematic. Three years ago, the Maryland General Assembly passed HB 1186 which required the Attorney General to study and report on firearm crimes, firearm injuries/fatalities, and crime firearms. Attached to this testimony are pages from those reports which demonstrate the problem with obtaining information from the various law enforcement agencies because they either fail to capture data or fail to respond to requests for information. This leads to the obvious questions: Of what practical use is incomplete information? Even if you had complete information what would you do with it to justify the time, effort, and half-million-dollar cost?

This bill is simply a misguided and ill-considered response to the Bruen decision. According to the Maryland State Police, as of December 31, 2023, there were 175,633 active carry permits in Maryland. If accidental discharges were a significant problem the Maryland State Police would know about them.

We strongly urge an unfavorable report on Senate Bill 324.

John H. Josselyn  
2A Maryland  
02/02/2024

Attachment



# FIREARM INJURIES, FATALITIES, AND CRIME FIREARM STUDY

MSAR # 13276 – Firearm Crimes, Firearm Injuries/Fatalities, and  
Crime Firearms (HB 1186, 2021)

MSAR # 12584 – Firearm Crimes, Firearm Injuries/Fatalities, and  
Crime Firearms (HB 1629, 2020)

## Appendix A. Nonresponsive LEAs as of December 7, 2021

| LEA  | County                 |
|--|------------------------|
| Annapolis City Police Department                             | Anne Arundel County    |
| Baltimore City Community College Department of Public Safety | Baltimore City         |
| Baltimore City Public Schools Police                         | Baltimore City         |
| Baltimore City Sheriff's Department                          | Baltimore City         |
| Baltimore County Sheriff's Office                            | Baltimore County       |
| Baltimore Environmental Police                               | Baltimore County       |
| Berwyn Heights Police Department                             | Prince George's County |
| Boonsboro Police Department                                  | Washington County      |
| Bowie State University Department of Public Safety           | Prince George's County |
| Cambridge Police Department                                  | Dorchester County      |
| Capitol Heights Police Department                            | Prince George's County |
| Colmar Manor Police Department                               | Prince George's County |
| Coppin State University Department of Public Safety          | Baltimore City         |
| Department of General Services                               | Baltimore City         |
| District Heights Police Department                           | Prince George's County |
| Fairmount Heights Police Department                          | Prince George's County |
| Federalsburg Police Department                               | Caroline County        |
| Forest Heights Police Department                             | Prince George's County |
| Frostburg City Police Department                             | Allegany County        |
| Garrett county State's Attorney                              | Garrett County         |
| Gibson Island Police Department                              | Anne Arundel County    |
| Glenarden Police Department                                  | Prince George's County |
| Hagerstown City Fire Marshal                                 | Washington County      |
| Hagerstown Police Department                                 | Washington County      |
| Howard County Sheriff's Office                               | Howard County          |
| Landover Hills Police Department                             | Prince George's County |
| Lonaconing Police Department                                 | Allegany County        |
| Luke Police Department                                       | Allegany County        |
| Maryland Motor Vehicle Administration                        |                        |
| Maryland Natural Resources Police                            |                        |
| Maryland State Forest & Park Services                        |                        |
| Morgan State University Police and Public Safety Department  | Baltimore City         |
| Morningside Police Department                                | Prince George's County |
| Mount Rainier Police Department                              | Prince George's County |
| Ocean Pines Police Department                                | Worcester County       |
| Oxford Police Department                                     | Talbot County          |
| Prince George's County Public Schools                        | Prince George's County |

SB0324\_Attachment\_2A\_Maryland

| <b>LEA</b>   | <b>County</b>          |
|--|------------------------|
| Prince George's County Sheriff's Office                          | Prince George's County |
| Rising Sun Police Department                                     | Cecil County           |
| Rockville City Police Department                                 | Montgomery County      |
| Salisbury University Police Department                           | Wicomico County        |
| Smithsburg Police Department                                     | Washington County      |
| Spring Grove Hospital Center Police                              | Baltimore County       |
| Taneytown Police Department                                      | Carroll County         |
| University of Maryland Eastern Shore Department of Public Safety | Somerset County        |
| University of Baltimore Police Department                        | Baltimore City         |
| University Park Police Department                                | Prince George's County |
| Worcester County Fire/Explosive Investigator                     | Worcester County       |
| Worcester County State's Attorney                                | Worcester County       |

# Appendix A: Law Enforcement Agencies

## *Non-Responsive LEAs*

1. Baltimore City School Police
2. Baltimore Environmental Police
3. Brentwood Police Department
4. Cottage City Police Department
5. District Heights Police Department
6. Edmonston Police Department
7. Landover Hills Police Department
8. Morgan State University Police Department
9. Rising Sun Police Department

## *Responding Agencies*

1. Aberdeen Police Department
2. Allegany County Sheriff's Office
3. Annapolis Police Department
4. Anne Arundel Community College Public Safety & Police
5. Anne Arundel County Police Department
6. Anne Arundel County Sheriff's Office
7. Baltimore City Community College
8. Baltimore City Police Department
9. Baltimore County Police Department
10. Bel Air Police Department
11. Berlin Police Department
12. Berwyn Heights Police Department
13. Bladensburg Police Department
14. Boonsboro Police Department
15. Bowie Police Department
16. Bowie State University
17. Brunswick Police Department
18. Calvert County Sheriff's Office
19. Cambridge Police Department
20. Capitol Heights Police Department
21. Caroline County Sheriff's Office
22. Carroll County Sheriff's Office
23. Cecil County Sheriff's Office
24. Centreville Police Department
25. Charles County Sheriff's Office
26. Chestertown Police Department
27. Cheverly Police Department
28. Chevy Chase Village Police Department
29. Colmar Manor Police Department
30. Coppin State University of Police Department
31. Crisfield Police Department
32. Crofton Police Department
33. Cumberland Police Department
34. Delmar Police Department
35. Denton Police Department
36. Dorchester County Sheriff's Office
37. Easton Police Department
38. Elkton Police Department
39. Fairmount Heights Police Department
40. Federalsburg Police Department
41. Forest Heights Police Department
42. Frederick City Police Department
43. Frederick County Sheriff's Office
44. Frostburg City Police Department
45. Frostburg State University Police Department
46. Fruitland Police Department
47. Gaithersburg Police Department
48. Garrett County Sheriff's Office
49. Gibson Island Police Department

50. Glenarden Police Department
51. Greenbelt Police Department
52. Greensboro Police Department
53. Hagerstown Community College
54. Hagerstown Police Department
55. Hampstead Police Department
56. Hancock Police Department
57. Harford County Sheriff's Office
58. Havre de Grace Police Department
59. Howard County Police Department
60. Howard County Sheriff's Office
61. Hurlock Police Department
62. Hyattsville Police Department
63. Kent County Sheriff's Office
64. La Plata Police Department
65. Laurel Police Department
66. Manchester Police Department
67. Maryland Capitol Police Department
68. Maryland Natural Resources Police
69. Maryland State Police
70. Maryland Transit Administration
71. Maryland Transportation Auth. Police
72. Maryland-National Capital Park Police  
- Montgomery County Division
73. Maryland-National Capital Park Police  
- Prince George's County Division
74. Montgomery Co. Fire & Explosives Inv.  
Sect.
75. Montgomery County Police  
Department
76. Montgomery County Sheriff's Office
77. Morningside Police Department
78. Mount Airy Police Department
79. Mount Rainier Police Department
80. New Carrollton Police Department
81. North East Police Department
82. Oakland Police Department
83. Ocean City Police Department
84. Ocean Pines Police Department
85. Oxford Police Department
86. Perryville Police Department
87. Pocomoke City Police Department
88. Prince George's County Community  
College Department of Public Safety
89. Prince George's County Police  
Department
90. Prince George's County Sheriff's Office
91. Princess Anne Police Department
92. Queen Anne's County Sheriff's Office
93. Ridgely Police Department
94. Riverdale Park Police
95. Rock Hall Police Department
96. Rockville City Police Department
97. Saint Mary's County Sheriff's Office
98. Saint Michael's Police Department
99. Salisbury City Police Department
100. Salisbury University Police Department
101. Seat Pleasant Police Department
102. Smithsburg Police Department
103. Snow Hill Police Department
104. Somerset County Sheriff's Office
105. Sykesville Police Department
106. Takoma Park Police Department
107. Talbot County Sheriff's Office
108. Taneytown Police Department
109. Thurmont Police Department
110. Towson University Police Department
111. University of MD Baltimore County  
Police Department
112. University of MD Baltimore Police  
Department
113. University of MD College Park Police
114. University of MD Eastern Shore  
Department of Public Safety
115. University Park Police Department
116. Upper Marlboro Police Department
117. Washington County Sheriff's Office
118. Washington Metropolitan Area Transit  
Authority
119. Washington Suburban Sanitary  
Commission
120. Westminster Police Department
121. Wicomico County Sheriff's Office
122. Worcester County Sheriff's Office

## *Excluded Agencies*

1. Allegany County Bureau of Police
2. Annapolis Fire/Explosive Investigation Unit
3. Anne Arundel County Fire/Explosive Investigator
4. Anne Arundel Community College Justice Institute
5. Anne Arundel County Police Academy
6. Baltimore City Police Academy
7. Baltimore City Sheriff's Office
8. Baltimore County Police Academy
9. Baltimore County Sheriff's Office
10. Community College of Baltimore County
11. Comptroller of Maryland
12. Department of General Services
13. Department of Health and Mental Hygiene (DHMH) - Clifton T. Perkins Hospital Center
14. DHMH - Eastern Shore Hospital Center
15. DHMH - Holly Center
16. DHMH - Potomac Center
17. DHMH - Spring Grove Hospital Center
18. DHMH - Springfield Hospital Center
19. DHMH - Thomas B. Finan Center
20. Division of Rehabilitation Services Police
21. Division of Probation and Parole
22. Dorchester States Attorney's Office
23. Eastern Shore Criminal Justice Academy
24. Frederick City Police Academy
25. Frederick County Sheriff's Academy
26. Garrett County State's Attorney
27. Hagerstown City Fire Marshal
28. Harford County Sheriff's Academy
29. Howard County Police Academy
30. Lonaconing Police Department
31. Luke Police Department
32. Maryland Alcohol and Tobacco Commission Field Enforcement Division
33. Maryland Comptroller Field Enforcement
34. Maryland Department of Labor, Licensing & Regulations
35. Maryland Motor Vehicle Administration
36. Maryland Natural Resources Police Academy
37. Maryland State Fire Marshal
38. Maryland State Forest & Park Service
39. Maryland State Police Academy
40. Maryland Transportation Authority Academy
41. Maryland Wildlife and Heritage Service
42. Maryland-National Capital Park and Planning Commission
43. Maryland Department of Public Safety and Correctional Services Intelligence Investigative Division
44. MD Police & Correctional Training Commission PELT Academy
45. Montgomery County Police Academy
46. Port Deposit Police Department
47. Prince George's Co. Fire Investigator
48. Prince George's County Police Academy
49. Prince George's County Public Schools
50. Prince George's County State's Attorney
51. Prince George's Municipal Police Academy
52. Saint Mary's College of Maryland
53. Trappe Police Department
54. University of Baltimore Police Department
55. University of Maryland Police Academy
56. Worcester County Fire/Explosive Investigator
57. Worcester County State's Attorney

# Appendix A: Law Enforcement Agencies

## *Non-Responsive LEAs*

1. Baltimore City School Police
2. Bowie State University
3. Brentwood Police Department
4. Cottage City Police Department
5. District Heights Police Department
6. Fairmount Heights Police Department
7. Forest Heights Police Department
8. Frostburg City Police Department
9. Montgomery County Sheriff's Office
10. Morgan State University Police Department
11. Washington Suburban Sanitary Commission
12. Wicomico County Sheriff's Office

## *Responding Agencies*

1. Aberdeen Police Department
2. Allegany County Sheriff's Office
3. Annapolis Police Department
4. Anne Arundel C C Public Safety & Police
5. Anne Arundel County Police Department
6. Anne Arundel County Sheriff's Office
7. Baltimore City Community College
8. Baltimore City Police Department
9. Baltimore County Police Department
10. Baltimore Environmental Police
11. Bel Air Police Department
12. Berlin Police Department
13. Berwyn Heights Police Department
14. Bladensburg Police Department
15. Boonsboro Police Department
16. Bowie Police Department
17. Brunswick Police Department
18. Calvert County Sheriff's Office
19. Cambridge Police Department
20. Capitol Heights Police Department
21. Caroline County Sheriff's Office
22. Carroll County Sheriff's Office
23. Cecil County Sheriff's Office
24. Centreville Police Department
25. Charles County Sheriff's Office
26. Chestertown Police Department
27. Cheverly Police Department
28. Chevy Chase Village Police Department
29. Colmar Manor Police Department
30. Coppin State University of Police Department
31. Crisfield Police Department
32. Crofton Police Department
33. Cumberland Police Department
34. Delmar Police Department
35. Denton Police Department
36. Dorchester County Sheriff's Office
37. Easton Police Department
38. Edmonston Police Department
39. Elkton Police Department
40. Federalsburg Police Department
41. Frederick City Police Department

- |   |   |
|---|---|
| 42. Frederick County Sheriff's Office   | 74. Montgomery Co. Fire & Explosives<br>Inv. Sect.                          |
| 43. Frostburg State University Police<br>Department                               | 75. Montgomery County Police<br>Department                                  |
| 44. Fruitland Police Department   | 76. Morningside Police Department   |
| 45. Gaithersburg Police Department  | 77. Mount Airy Police Department  |
| 46. Garrett County Sheriff's Office   | 78. Mount Rainier Police Department   |
| 47. Gibson Island Police Department   | 79. New Carrollton Police Department  |
| 48. Glenarden Police Department   | 80. North East Police Department  |
| 49. Greenbelt Police Department   | 81. Oakland Police Department   |
| 50. Greensboro Police Department  | 82. Ocean City Police Department  |
| 51. Hagerstown Community College  | 83. Ocean Pines Police Department   |
| 52. Hagerstown Police Department  | 84. Oxford Police Department  |
| 53. Hampstead Police Department   | 85. Perryville Police Department  |
| 54. Hancock Police Department   | 86. Pocomoke City Police Department   |
| 55. Harford County Sheriff's Office   | 87. Prince George's County Community<br>College Department of Public Safety |
| 56. Havre de Grace Police Department  | 88. Prince George's County Police<br>Department                             |
| 57. Howard County Police Department   | 89. Prince George's County Sheriff's Office                                 |
| 58. Howard County Sheriff's Office  | 90. Princess Anne Police Department   |
| 59. Hurlock Police Department   | 91. Queen Anne's County Sheriff's Office                                    |
| 60. Hyattsville Police Department   | 92. Ridgely Police Department   |
| 61. John's Hopkins Police Department &<br>Public Safety                           | 93. Rising Sun Police Department  |
| 62. Kent County Sheriff's Office  | 94. Riverdale Park Police   |
| 63. La Plata Police Department  | 95. Rock Hall Police Department   |
| 64. Landover Hills Police Department  | 96. Rockville City Police Department  |
| 65. Laurel Police Department  | 97. Saint Mary's County Sheriff's Office                                    |
| 66. Manchester Police Department  | 98. Saint Michael's Police Department                                       |
| 67. Maryland Capitol Police Department  | 99. Salisbury City Police Department  |
| 68. Maryland Natural Resources Police   | 100. Salisbury University Police Department                                 |
| 69. Maryland State Police   | 101. Seat Pleasant Police Department  |
| 70. Maryland Transit Administration   | 102. Smithsburg Police Department   |
| 71. Maryland Transportation Auth. Police  | 103. Snow Hill Police Department  |
| 72. Maryland-National Capital Park<br>Police - Montgomery County Division         | 104. Somerset County Sheriff's Office                                       |
| 73. Maryland-National Capital Park<br>Police - Prince George's County<br>Division | 105. Sykesville Police Department   |
|   | 106. Takoma Park Police Department  |
|   | 107. Talbot County Sheriff's Office   |



- |   |  |
|---|--|
| 108. Taneytown Police Department                            | 114. University of MD Eastern Shore<br>Department of Public Safety |
| 109. Thurmont Police Department                             | 115. University Park Police Department                             |
| 110. Towson University Police Department                    | 116. Upper Marlboro Police Department                              |
| 111. University of MD Baltimore County<br>Police Department | 117. Washington County Sheriff's Office                            |
| 112. University of MD Baltimore Police<br>Department        | 118. Washington Metropolitan Area Transit<br>Authority             |
| 113. University of MD College Park Police                   | 119. Westminster Police Department                                 |
|   | 120. Worcester County Sheriff's Office                             |

**SB0324\_HB0546 HGP - Accidental Discharge.pdf**

Uploaded by: Karla Mooney

Position: UNF

SB0324/ HB0546 Handgun Permits – Accidental Discharge and Training Requirements – Maryland State Police Gun Center (Firearm Safety Act of 2024)

Karla Mooney  
21175 Marigold St  
Leonardtown MD 20650  
Resident of St. Mary' County Dist. 29C

I am State Director of The DC Project-Women for Gun Rights and the State Leader of the Armed Women of America. I stand in solidarity with the Ladies of both groups, numbering many more than just myself. I am also a professional Multi-disciplined Firearms Instructor and Maryland QHIC.

I understand the Senator is trying to find a way to make themselves and their families safer. I too would like to be safe.

This is a bill that seems to be an infringement on our 2<sup>nd</sup> Amendment Rights as it imposes additional burdens and restrictions on lawful gun owners.

Additionally, there would be once again more state mandated training involved, a financial burden and a burden to MSP to determine what must be taught and who must teach it. MSP would be burdened by adding more people to work the administrivia that would be involved with approving the training, tracking the completions of the training and the reinstatement of permits to those who have done all of the required training.

I would ask for an unfavorable report on this bill.

Thank you,  
Karla Mooney

# **MSI Testimony on SB 324 and HB 546 revised.pdf**

Uploaded by: Mark Pennak

Position: UNF



February 2, 2024

## **WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN IN OPPOSITION TO SB 324 AND HB 546**

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in OPPOSITION to SB 324 and its cross-file, HB 546.

### **The Bill**

This Bill creates a new section 5-315 of the Public Safety Article of the Maryland Code to require that every person who holds a wear and carry permit in Maryland must sign up for and receive additional training within 6 months of any “accidental discharge” by such person of any firearm. The term “accidental discharge” is broadly defined to mean THE UNINTENDED DISCHARGING OF A FIREARM THAT CAUSES: (I) INJURY TO OR DEATH OF A PERSON; OR (II) PROPERTY DAMAGE.” Such a person must register for a certified firearms safety training within 90 days of the accidental discharge and complete such training within 6 months. The Bill further directs the State Police to revoke the revocation of the wear and carry permit for any failure to register for or obtain the required training within these specified time limits.

### **The Bill Is Overbroad:**

The Bill proceeds on the mistaken premise that every unintended discharge is evidence of a need for additional training. Under existing Maryland law, as amended last Session with the enactment of HB 824, 2023 Maryland Session Laws, Ch. 651, every permit holder (except for those who are exempted) must receive 16 hours of training. That training includes live fire training in a State Police created

course of fire that is designed to test proficiency and safe handling skills. See MD Code, Public Safety, § 5-306(a-1). Indeed, HB 824 instructed the State Police to “develop, publish, update, and distribute to all State-certified firearms instructors a curriculum of instruction for the topics required for classroom instruction in subsection (a-1) of this section.” *Id.*, at § 5-306(a-2). The State Police have implemented that direction. See <https://bit.ly/42op9cl>. The training mandated by Section 5-306 encompasses every subject specified in this Bill. Every student in these classes must demonstrate safe handling to the satisfaction of a State certified instructor. Every renewal of a wear and carry permit is conditioned on 8 hours of training in these same subjects, including taking and passing the State Police mandated live-fire course. Except for New York (which oddly requires 18 hours of instruction), no State requires more training than Maryland.

The first rule of firearm safety taught in these classes (or any firearms safety course) is that a person must **always** point the firearm in a safe direction. Drilled into each student is the point that a “safe direction” is the direction which would result in the **least amount** of harm, either to persons or to property, from an unintended discharge. Such “damage” may be as simple as an easily patched hole, without more. This Bill covers every unintended discharge that results in **any** damage to property. What the Bill fails to recognize is that such discharges causing minimal damage are evidence that the training **has been successful**, not necessarily evidence that more training is needed. Accidents will happen. Existing training, already mandated by Section 5-306, is designed to lessen the incidence of such discharges **and** to minimize adverse consequences when accidents do occur. In short, an unintended discharge does not necessarily mean that the training failed or that more training is necessary or would prevent any such unintended discharges in the future. Permit holders are the **least** likely persons to have unintended discharges precisely because of the mandated training.

The Bill also premised on the notion that unintended discharges are caused by mishandling. That premise fails to recognize that such an unintended discharge may be caused by a mechanical failure within the firearm itself, not from any failure to follow safe handling procedures. Firearms sometimes fail to work as designed. No amount of safety training will have any effect on unintended discharges caused by mechanical failure. That is part of the reason that individuals are trained to **always** point a firearm in a safe direction. Requiring additional training for persons who have experienced these types of unintended discharges is thus pointless. Yet this Bill would require additional training for every unintended discharge without regard to the reasons for the discharge or the fault of the individual.

### **The Bill Is Unconstitutional:**

In *New York State Rifle & Pistol Association v. Bruen*, 142 S. Ct. 2111 (2022), the Supreme Court confirmed that the Second Amendment protects a “general right to publicly carry arms for self-defense,” *id.* at 2134, and therefore held that New York

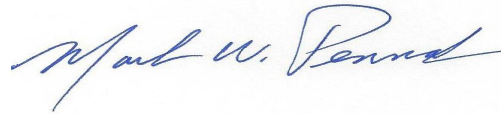
violated the Second Amendment by restricting carry licenses to individuals who could demonstrate a “special need for self-protection distinguishable from that of the general community,” *id.* at 2123. The Court suggested, in *obit dicta*, that States may condition the exercise of that right by requiring permits, as long as the permit was issued on a “shall issue” basis by reference to otherwise reasonable and objective criteria. *Bruen*, 142 S.Ct. at 2138 n.9. Permits in Maryland are now issued on a “shall issue” basis. See *Matter of Rounds*, 255 Md.App. 205, 213, 279 A.3d 1048 (2022) (invalidating the “good and substantial reason” requirement then found in MD Code, Public Safety, § 5-306(a)(6)(ii), as contrary to *Bruen*). Within these parameters, the right to carry outside the home is a constitutional right, not a privilege.

The State is not free to tack on additional requirements that condition the exercise of this constitutional right without demonstrating that the restriction is supported by well-established and representative analogous regulations from the Founding era (1791) when the Second Amendment was ratified. Specifically, the *Bruen* Court ruled that “the standard for applying the Second Amendment” “is as follows: When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” *Id.* at 2129. Under this test, “the government must affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms.” *Id.* at 2127.

These principles place a heavy burden on the State. As the Court of Appeals for the Third Circuit very recently explained, “[a]ssessing the similarity of current regulations to those of the founding era calls on us to consider both ‘how and why the regulations [being compared] burden a law-abiding citizen’s right to armed self-defense.’” *Lara v. Commissioner State Police*, --- 4th ---, 2024 WL 189453 (3d Cir. Jan. 18, 2024), quoting *Bruen*, 142 S.Ct. at 2133) (brackets the court’s). Stated simply, there is no “historical tradition of firearm regulation” from the Founding (or any other era) that could possibly justify or be analogous to a statute that mandates the revocation of a person’s constitutional right to carry outside the home because of an unintended discharge. The training historically required of members of the militia was limited to the militia, not everyone who carried a weapon outside the home. Moreover, that training was for the purpose of preparing the militia for war, not for the purpose of limiting the right to carry for self-defense, the right protected by the Second Amendment. The ‘how and why’ of such training are simply different. See *MSI v. Moore*, 86 F.4th 1038, 1048 (4th Cir. 2023), *rehearing en banc granted on other grounds*, 2024 WL 124290 (4th Cir. Jan. 11, 2024) (discussing the militia requirement). The burden would be on the State to prove otherwise. See *Id.*, at 1048-49; *Kipke v. Moore*, --- F.Supp.3d ---, 2023 WL 6381503 (D.MD Sept. 29, 2023) (applying the *Bruen* test to invalidate portions of HB 1, 2023 Maryland Session Laws, Ch. 651, enacted last Session by the General Assembly). The Bill’s revocation provisions likely will not survive constitutional challenge.

Nothing in the foregoing discussion should be understood as making light of unintended discharges. It also should be stressed that unintended discharges are already regulated. In some cases, such discharges may be criminal under Maryland reckless endangerment statute. See MD Code, Criminal Law, § 3-204(a) (“a person may not recklessly: (1) engage in conduct that creates a substantial risk of death or serious physical injury to another”). Or the person may be prosecuted for involuntary manslaughter or for assault. See, e.g., *Williams v. State*, 100 Md.App. 468, 486, 641 A.2d 990 (1994) (“[T]he act of pointing a firearm at a nearby human being, without being certain that the weapon will not discharge, generally is sufficiently reckless to support a conviction for involuntary manslaughter where the unintended discharge of the weapon results in death. Similarly, here, where the discharge of the weapon resulted in a wounding short of death, the same degree of recklessness supports the battery conviction.”), quoting *Duckworth v. State*, 323 Md. 532, 541, 594 A.2d 109 (1991). Or a person may be held civilly liable in tort for harm to a person or property. These potentially severe legal consequences provide strong incentives for the safe handling of firearms. Those incentives apply not only to persons who hold a wear and carry permit, but also to all persons who handle firearms. We urge an unfavorable report.

Sincerely,



Mark W. Pennak  
President, Maryland Shall Issue, Inc.  
mpennak@marylandshallissue.org



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Position: UNF

Please **OPPOSE** SB 324

Handgun Permits – Accidental Discharge and Training Requirements – Maryland State Police Gun Center (Firearm Safety Act of 2024)

I was wondering if there will be a bill to force people to take a driver's safety course if they cause a vehicular accident? Seems like if the intent of this bill is to insure safety, shouldn't a larger safety issue also be address? Why not extend it to drivers and have the identical license revoking if the training course isn't taken. Surely the 4,439,757 drivers license holders in Maryland [1] would fully support such a bill if one were to go out and very publicly propose such safety enhancing legislation. How could drivers complain; its for the greater good. If this isn't the case, then I would recommend an unfavorable determination concerning this bill.

Thomas J. Kasuba (registered Democrat)

2917 Rosemar Drive

Ellicott City, MD 21043-3332

tomkasubamd@netscape.net

301-688-8543 (day)

January 16, 2024

[1] <https://www.statista.com/statistics/198029/total-number-of-us-licensed-drivers-by-state/>